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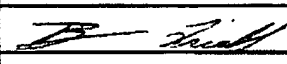
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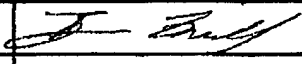
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Directed Electronics		
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Date	11/21/06	Reg. No.	56,357

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("Khan"), further in view of U.S. Pat. No. 6,510,380, issued to Curatolo et al. ("Curatolo"), and further in view of U.S. Pat. No. 5,825,283, issued to Camhi. ("Camhi").

3. Claims 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art ("AAPA") in view of U.S. Pat. No. 6,789,928, issued to Khan ("Khan"), further in view of U.S. Pat. No. 6,510,380, issued to Curatolo et al. ("Curatolo"), and further in view of U.S. Pat. No. 5,739,749, issued to Hwang. ("Hwang").

ARGUMENT

A. Rejections of Independent Claims 1, 8, 14, and 21 – Prima Facie Case of Obviousness Not Properly Established

These claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of both Khan and Curatolo. For the reasons stated below, Applicant respectfully disagrees with the rejection of the above claims as Applicant believes that a prima facie case of obviousness has not been properly established.

The Patent and Trademark Office has the burden of making a *prima facie* case of obviousness under 35 U.S.C. § 103. *E.g., In re Mayne*, 104 F.3d 1339, 1342 (Fed. Cir. 1997); MPEP § 2142. There are three basic requirements for establishing a *prima facie* case of obviousness. MPEP § 2143. First, the combination of prior art references must teach or suggest all the claim limitations. *Id.* Second, there must be a reasonable expectation of success. *Id.* Third, there also "must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings." *Id.* Both the suggestion and the reasonable expectation of

success must be founded in the prior art, not in the applicant's disclosure. *Id.* (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). Here, there is no reasonable expectation of success by the combination of the teachings of the cited references, and the cited references fail to provide a proper motivation to combine the reference teachings.

a. There is no reasonable expectation of success by the combination of the teachings of the cited references.

There is no reasonable expectation of success when combining the teachings of Khan with Curatolo to provide an alarm system component with the ability to *perform an audible alarm indication function* based on signals received from an alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval. Applicant's device is capable by itself of performing an audible alarm indication function. The signaling devices in Curatolo, to which Examiner compares Applicant's device, does not perform an audible alarm indication function. Rather, in Curatolo, "the loss of the periodic signal causes each signaling unit to automatically send a signal to *the global positioning satellite (GPS) system...*" Curatolo, col. 9, lines 33-35. The sending of a signal to the GPS system cannot possibly be considered the performance of an audible alarm indication function. In fact, after the signaling unit sends the signal to the GPS system, the GPS system must then send a return signal to the signaling unit *identifying its geographical location*, upon receipt of this *geographic location* signal the signaling unit sends a cellular telephone signal to the monitoring station to *identify* its geographic location, and the monitoring station then sends this location information to the appropriate party. Curatolo, col. 9, lines 36-44, 59-67; col. 10, lines 18-30. At best, the above-described function of the signaling units in Curatolo can be considered a "geographical

location identification function", not an *audible alarm indication function*. Because the signal in Curatolo is sent by the signaling unit to the GPS system in order to in return receive geographical location data, and the signal in Curatolo is not sent to the GPS system to *perform an audible alarm indication function*, there is no reasonable expectation of success to combine Khan with Curatolo to provide the alarm system component and alarm system containing an alarm system component as disclosed in Applicant's claims.

Additionally, as Curatolo is specifically directed to a security *and tracking* system, Curatolo teaches that at least one of the signaling units be adapted to be hidden, with there being an advantage if the signaling unit is small. *Curatolo*, col. 4, lines 55-57. A small signaling unit allows it to be hidden more easily, and also allows the unit to be incorporated into a plurality of articles, such as a molded article, an extruded article, a sewn article, and the like. *Curatolo*, col. 4, lines 57-61. The signaling units may also be incorporated into a wearable article such as a shoe, a watch, a wristband, a bracelet, and identification card, an article of jewelry, a hair accessory, eyeglasses, and an animal collar. *Curatolo*, col. 4, lines 66-67; col. 5, lines 1-4. Further, in the preferred embodiment of the Curatolo invention, at least one of the signaling units is securely attached to an individual because a "very important feature of the security and tracking apparatus of the present invention is its utility for personal security for children, individuals with physical disabilities, individuals with mental disabilities, for example, Alzheimer patients, individuals in wilderness areas, and any other individuals who might encounter an emergency situation." *Curatolo*, col. 5, lines 5-13. The diminutive signaling units of Curatolo cannot rationally be considered to encompass the form of an engine control module or a vehicle horn, as disclosed in Kahn, as an engine control module or vehicle horn cannot

possibly be incorporated into a wearable article or attached to an individual. Even if an engine control module or vehicle horn *could* be theoretically sized to fit within the size limitations as described in Curatolo, this is not currently possible or economically practical given the manufacturing capabilities and production costs of such parts having such capabilities. Therefore, there would be no reasonable expectation of success by combining the teachings of Kahn with the teachings of Curatolo to produce an alarm system component that can perform an audible alarm indication function and alarm system containing such an alarm system component. Thus, a prima facie case of obvious has not been met.

b. The cited references fail to provide a proper motivation to combine the teachings of the cited references.

With respect to independent claims 1, 8, 14, and 21, Examiner acknowledges that AAPA and Khan do not teach alarm activation based on the non-receipt of signals between a control module and a monitored object. To find this teaching, Examiner relies on Curatolo, which Examiner states teaches of a security and tracking system wherein the alarm situation is determined when there is an absence of periodic signals between a first signaling unit and a second signaling unit. Examiner states that one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Curatolo into the system of AAPA and Khan because monitoring alarm conditions wherein receipt and non-receipt of signals provide a comprehensive alarm system and thus provides greater theft protection. Applicant respectfully disagrees with this motivation to combine for the reasons stated below.

Initially, there is no teaching, suggestion, or motivation to combine Curtolo with Khan to obviate the claims of Applicant's invention that require a "means fixably located within the

passenger vehicle for *performing an audible alarm indication function* based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.” Curatolo is directed to a security and tracking system involving a method to locate a person, an animal, or a material asset by using two signaling units in communication proximity, wherein at least one of the units is attached to a person, animal, or material asset. *Curatolo*, Abstract. Curatolo’s system was designed with the needs of personal security and emergency response capability in mind, to help avoid tragic circumstances if an individual is injured, lost, or abducted, by helping notify law enforcement or emergency response of the location of the person. *Curatolo*, Background; col. 1, lines 17-20). Applicant’s invention is not directed to a security *and* tracking system that helps to achieve these particular needs. Rather, Applicant’s claims are specifically directed to an alarm system component and an alarm system containing an alarm system component that are fixably located within a passenger vehicle. Although Curatolo mentions that “multiple signaling units may also be placed in various components of a material asset, for example in a cellular phone and stereo of a motor vehicle as well as in the motor vehicle itself” (*Curatolo*, col. 5, lines 41-44), Curatolo does not teach or suggest combining the signaling units with *the alarm system or any alarm system components* of a vehicle.

Additionally, with regard to the sending of signals by the signaling units, Curatolo is specifically limited to the sending of *geographical location* information. *Curatolo*, col. 6, lines 21-25; col. 9, lines 36-44, 59-67; col. 10, lines 18-30. Because the signaling units in Curatolo do not send alarm indication information, there is no teaching or suggestion to combine Curatolo

with Khan to provide an alarm system or alarm system component with means to perform an audible alarm indication function.

Still further, in order for the signaling units in Curatolo to automatically send a signal to the GPS system to receive a return signal from the GPS identifying its geographical location, the two signaling units must be separated by more than a predetermined distance. *Curatolo*, col. 9, lines 30-37; col. 10, lines 13-22. Curatolo even admits that this is an “extremely important” feature, since an individual could be taken miles away within minutes of being abducted. *Curatolo*, col. 4, lines 49-54. Thus, distance between the signaling units is the necessary and critical factor in determining whether or not the signaling units will send a signal to the GPS system. Thus, both of the signaling units cannot be fixably located within the same material asset and have the ability to generate a signal to send to the GPS system. Khan, however, requires that both the engine control module and the wheel lighting device *must be located within the same vehicle*, as the wheel lighting device is provided “for illuminating a wheel of a vehicle to increase safety and enhance aesthetics” and “provides auxiliary indicator lights by producing light in conjunction with a vehicle’s turn signals, hazard lights, alarm systems, and etc.” *Kahn*, Abstract. If the wheel lighting device was separated from the vehicle, it would not be increasing safety for the user of the vehicle or enhancing the aesthetics of the vehicle. Therefore, one with ordinary skill in the art would not have been motivated to combine the teachings of Kahn with the teachings of Curatolo to produce an alarm system component that can perform an audible alarm indication function and alarm system containing such an alarm system component, as claimed by Applicant.

Also, it would not be obvious to combine Kahn with Curatolo as they are not analogous art. Curatolo is not within the same classification as Kahn, as the Curatolo invention falls within the class relating to data processing involving vehicles, navigation, and related location, class 701, and Kahn falls within the class relating to illumination, class 362. Similarly, Kahn and Curatolo do not even contain one overlapping classification/sub-classification in all of the fields searched during the prosecution of each patent. Therefore, it is Applicant's belief, that one of ordinary skill in the art would not have been motivated to combine the teachings and suggestions of Kahn with the teachings and suggestions of Curatolo, as they are not analogous prior art.

Additionally, Applicant disagrees with Examiner conclusion that one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Curatolo into the system of AAPA and Khan because monitoring alarm conditions wherein receipt and non-receipt of signals provide a comprehensive alarm system and thus provides greater theft protection. While incorporating a feature into an alarm system to monitoring alarm conditions may provide a more comprehensive alarm system with greater theft protection, Curatolo is not aimed at providing a comprehensive alarm system and providing greater theft protection. Rather, the overwhelming thrust of Curatolo is to improve *personal* security (Curatolo, col. 1, line 17), to maintain the *safety of individuals* and to avoid tragic circumstances (Curatolo, col. 1, line 17), and to "*identify the location* of an individual in an emergency situation, the *location* of a missing animal, or the *location* of a missing material asset" (Curatolo, col. 1, lines 11-15). Therefore, because of Curatolo's emphasis on providing a *tracking* system to identify the *location* of individuals and objects to "avoid tragic circumstances", one with ordinary skill in the art would

not have been motivated to combine the teachings of Curatolo with the teachings of Kahn to achieve either a "comprehensive alarm system", "greater theft protection," or the embodiments as claimed by Applicant. Thus, a prima facie case of obvious has not been met with respect to independent claims 1, 8, 14, and 21. Therefore Applicant respectfully requests for the removal of the obviousness rejection as to these claims.

B. Rejections of Dependent Claims 3, 10, 16, 23, and 27-37 - Prima Facie Case of Obviousness Not Properly Established

Claims 3, 10, 16, and 23

With respect to claims 3, 10, 16, and 23, the deficiencies noted above in section A of this paper carry over into the rejections of dependent claims 3, 10, 16, and 23. Thus, a prima facie case of obvious has not been met.

Claims 27-34 and 38

With respect to claims 27-34 and 38, the deficiencies noted above in section A of this paper carry over into the rejections of dependent claims 27-34 and 38. Further, there is no motivation or suggestion to combine the teachings of Camhi with the system of AAPA, Curatolo, and Kahn. Camhi is directed to an apparatus for *monitoring* subjects. *Camhi*, Abstract. The apparatus includes a *location* determining device which provides the location of the subject to a processor, the processor configured to *monitor location*. *Camhi*, Abstract. Similar to Curatolo, Camhi involves a tracking and monitoring device rather than an alarm system or alarm system component as disclosed in Applicant's invention. Further, Camhi actually teaches away from combination with Khan to provide an audible alarm indication function. Camhi goes to great lengths to point out deficiencies with vehicle alarms, particularly the audible portion of the alarm

system, and instead motivates one with ordinary skill in the art to provide a safety and security system with tracking functionality. As stated in Camhi, col. 1, lines 44-67; col. 2, lines 1-7):

"However, these conventional automobile alarms are limited in applications. **Most automobile alarms are incapable of tracking the vehicle.** Additionally, most automobile alarms are incapable of monitoring parameters of the vehicle that do not pertain to vehicle theft but are nonetheless important to vehicle and occupant security, such as vehicle speed. Additionally, these known types of alarms are able to be easily disarmed or circumvented by thieves. Most automobile alarms are merely noisemakers. Therefore, all a thief has to do to circumvent such an alarm is to disconnect the horn or muffle it. Since a majority of car horns are mounted in the front of the engine compartment or between the front bumper and radiator, in many instances, a thief may simply reach behind the bumper or into the engine compartment from below, feel for the wires that attach to the horn and pull with enough force to disengage the wires from the horn. If the horn is mounted in the rear of the engine compartment, a thief may break the car window or gain entrance in a less conspicuous way and actuate the hood release to access the horn and cut the wires that supply power to it. Thieves have also been known to fill horns with shaving cream, rags, or other matter which significantly muffles the emitted sound. As previously stated, depending on the location of the horn, the thief may not even need to open the hood to muffle the horn. Moreover, even if the alarm utilizes an ignition interrupt, a thief may circumvent this feature by running a "hot" wire from the battery to the coil or the ignition module. Furthermore, even if a thief triggered the alarm, the sounds of automobile alarms in big cities are so commonplace that they barely raise an eyebrow."

Therefore, in addition to the remarks noted in section A of this paper, because Camhi teaches away from, rather than suggests combination with Kahn, it would not have been obvious to one with ordinary skill in the art would to combine Camhi with AAPA, Kahn, and Curatolo to reach the embodiments claimed in claims 27-34 and 38. Thus, a prima facie case of obvious has not been met.

Claims 35-37

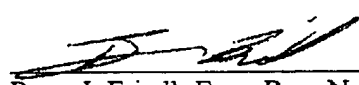
With respect to claims 35-37, the deficiencies noted above in section A of this paper carry over into the rejections of dependent claims 35-37. Thus, a prima facie case of obvious has not been met.

CONCLUSION

For the foregoing reasons, Appellants respectfully submit that all pending claims are patentable over the references of record and respectfully requests reversal of the rejections. The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully submitted,

Dated: November 21, 2006



Ryan J. Friedl, Esq., Reg. No. 56,357
Directed Electronics
One Viper Way
Vista, CA 92081

CLAIMS APPENDIX

The following is a listing of the claims in the application. All pending claims have been rejected and are involved in this Appeal. Applicants appeal from the rejections of claims 1, 3, 8, 10, 14, 16, 21, 23, and 27-38.

Claim 1: An alarm system component fixably located within a passenger vehicle, the component comprising:

means fixably located within the passenger vehicle for wirelessly receiving signals from an alarm controller fixably located within the passenger vehicle; and

means fixably located within the passenger vehicle for performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Claim 3: The alarm system component of claim 1, wherein the means for performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval, includes means for generating an audible alarm indication based on signals received from the alarm controller.

Claim 8: An alarm system fixably located within a passenger vehicle, the system comprising:

an alarm controller fixably located within the passenger vehicle operable to enable wireless data communications; and

an alarm component fixably located within the passenger vehicle operable to enable wireless data communications with the alarm controller, the alarm component including a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Claim 10: The alarm system of claim 8, wherein the alarm component processor is operable to cause the generation of an audible alarm indication based on signals received from the mobile alarm controller.

Claim 14: An alarm system component method, the alarm system component fixably located within a passenger vehicle, the method comprising the steps of:

- a) wirelessly receiving signals from an alarm controller fixably located within the passenger vehicle; and
- b) performing an audible alarm indication function based on signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Claim 16: The alarm system component method of claim 14, wherein the step of performing an audible alarm indication function based on signals received from the alarm

controller and also when a signal has not been received from the alarm controller for a predetermined time interval further includes the step of generating an audible alarm indication based on signals received from the alarm controller.

Claim 21: A method of installing an alarm system within a passenger vehicle, the method comprising:

- a) fixably installing in the passenger vehicle an alarm controller operable to enable wireless data communications in the passenger vehicle; and
- b) fixably installing in the passenger vehicle an alarm component operable to enable wireless data communications with the alarm controller, the component including a processor operable to perform an audible alarm indication function based upon signals received from the alarm controller and also when a signal has not been received from the alarm controller for a predetermined time interval.

Claim 23: The method of claim 21, wherein the alarm component is operable to cause the generation of an audible alarm indication based on signals received from the alarm controller.

Claim 27: The alarm system component of claim 1 further comprising a detector connected to the means for performing an audible alarm indication function for the purpose of detecting one or more alarm triggering devices.

Claim 28: The alarm system component of claim 27, wherein the one or more alarm triggering devices is a hood pin.

Claim 29: The alarm system component of claim 27, wherein the one or more alarm triggering devices is at least one motion detector.

Claim 30: The alarm system component of claim 27, wherein the detector is wirelessly connected to the means for performing an audible alarm indication function.

Claim 31: The alarm system component of claim 1 further comprising a sensor connected to the means for performing an audible alarm indication function for the purpose of sensing one or more measurable physical conditions in the engine compartment.

Claim 32: The alarm system component of claim 31, wherein the one or more measurable physical conditions is engine temperature.

Claim 33: The alarm system component of claim 31, wherein the one or more measurable physical conditions is engine revolutions per minute.

Claim 34: The alarm system component of claim 31, wherein the sensor is wirelessly connected to the means for performing an audible alarm indication function.

Claim 35: The alarm system component of claim 1 further comprising an immobilizer connected to the means for performing an audible alarm indication function for the purpose of restricting engine activation.

Claim 36: The alarm system component of claim 35, wherein the immobilizer is activated based on a local event.

Claim 37: The alarm system component of claim 1 further comprising an immobilizer connected to the alarm controller for the purpose of restricting engine activation.

Claim 38: The alarm system component of claim 3, wherein the means for generating an audible alarm indication based on signals received from the alarm controller generates an alarm condition based on a locally detected alarm event.

EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132. No evidence has been entered in the record by the Examiner and relied upon by Appellants in this Appeal.

RELATED PROCEEDINGS APPENDIX

Appellants, Assignee, and the undersigned legal representative do not know of any other appeal, interference, or judicial proceeding that is related to, directly affects, is directly affected by, or has a bearing on the decision of the Board of Patent Appeals and Interferences in this Appeal.